

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**VS.**

**REYNALDO DELEON,**

**Defendant.**

**CASE NO. 8:08CR382**

# MEMORANDUM AND ORDER

This matter is before the Court on the Report and Recommendation (Filing No. 35) issued by Magistrate Judge Thomas D. Thalken recommending denial of the Defendant's motion to suppress (Filing No. 22). No objections have been filed to the Report and Recommendation as allowed by 28 U.S.C. § 636(b)(1)(C) and NECrimR 57.3(a).

The Defendant seeks an order suppressing evidence obtained and statements made as a result of the Defendant's warrantless arrest and search and the search of a vehicle on September 4, 2008.

Judge Thalken concluded: probable cause justified the traffic stop, and also in deciding to stop the vehicle officers had reasonable suspicion that illegal drug activity was afoot; officers were justified in conducting an investigative detention of the vehicle's occupants; officers were justified in searching the passenger compartment, in which evidence was found; and the evidence found during the search of the vehicle gave officers probable cause to arrest Deleon and search him incident to his arrest.

Notwithstanding the absence of objections, pursuant to 28 U.S.C. § 636(b)(1)(C) and NECrR 57.3, the Court has conducted a de novo review of the record. The Court has read the parties' briefs and the transcript of the hearing. Because Judge fully, carefully,

and correctly applied the law to the facts, the Court adopts the Report and Recommendation in its entirety.

IT IS ORDERED:

1. The Magistrate Judge's Report and Recommendation (Filing No. 35) is adopted in its entirety; and
2. The Defendant's motion to suppress (Filing No. 22) is denied.

DATED this 26<sup>th</sup> day of February, 2009.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge